

STATE OF DELAWARE

THE COURTS OF THE JUSTICES OF THE PEACE
B20 NORTH FRENCH STREET, 11TH FLOOR
WILMINGTON, DELAWARE 19801

NORMAN A, BARRON CHIEF MAGISTRATE TELEPHONE: (302) 571-2485

POLICY DIRECTIVE 80-004

TO: ALL JUSTICES OF THE PEACE

ALL CHIEF CLERKS

STATE OF DELAWARE

FROM: NORMAN A. BARRON

CHIEF MAGISTRATE

DATE: JULY 8, 1980

RE: AMENDMENT TO 10 DEL.C., §9801 REGARDING COURT COSTS

On June 27, 1980, the Governor signed into law SB No. 167 with SA No. 2. This law amends 10 <u>Del.C.</u>, §9801, dealing with Court costs in the Courts of the Justices of the Peace. The amendments are as follows:

- 1. Subsection 9801(1)a. is amended in that the Court cost of \$15.00 for receipt, issuance and process of a civil action is increased by \$1.00 to \$16.00:
 - A new subsection 9801(1)d. is added as follows:

"d. For issuance of civil subpoena ... \$2.00";

3. A new subsection 9801(1)e. is added as follows:

"e. For mailing of subpoena . . . the prevailing mail rates."

Except in cases where a plaintiff's Motion to Proceed In Forma Pauperis has been granted, the payment for receipt, issuance and process of a civil action has been required at the outset of the case. This will continue to be

the case. I direct that the costs for issuance of civil subpoenas as well as the costs for the mailing of said subpoenas also be assessed at the time of the event; that is, when they are requested. This will, I believe deter a party away from wanting to subpoena an unnecessary number of witnesses as a tactic of intimidation against the party's adversary.

Enclosed is a signed copy of SB No. 167 as amended by SA No. 2 for your reference. This policy directive shall be effective upon receipt.

NAB:pm

Enclosure

cc: The Honorable Daniel L. Herrmann John R. Fisher Files